



STATE OF WASHINGTON

STATE BUILDING CODE COUNCIL

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SUMMARY SPECIAL COUNCIL MEETING MINUTES

LOCATION: DES Building, Rm 2331
1500 Jefferson Street
Olympia, Washington

MEETING DATE: January 22, 2016

Agenda Items	Committee Actions/Discussion
1. Welcome and Introductions	<p>Meeting was called to order at 11:00 a.m.</p> <p><u>Members in Attendance:</u> Steve Simpson; Dave DeWitte; Al French; Diane Glenn; Leeann Guier; Duane Jonlin; Dave Kokot; Doug Orth; Dave Peden; Jim Tinner; Eric Vander Mey; Rep. Vincent Buys;</p> <p><u>Staff in Attendance:</u> Tim Nogler, Managing Director; Krista Braaksma; Joanne McCaughan</p> <p><u>Visitors Present:</u> Al Audette, Amy Brakenberry, Jan Rohila, Jed Scheuermann, Dawn Cortez, AG. Eric Lacey</p>
2. Review and Approve the Agenda of January 22, 2016	<p>The agenda was approved as with Tim noting we discussed the issue of special Council meetings and he spoke with our AG, Dawn Cortez. We may have more than one item on the agenda for a special meeting; however we may not add items during the meeting.</p>
3. Energy Code Report to the Legislature	<p>Tim Nogler reviewed the report, noting energy savings chart from 2012; the chart from 2015 to follow. It was also reviewed in the meeting on January 8, 2015.</p> <p>Staff worked with Council members to address the issues. Council members reviewed the draft; Eric Vander Mey had some comments. Additional comments came from BIAW and Sen. Jan Angel. Her comments were read into the record (see attachment).</p> <p>The question is whether we are on track, and what issues come up in the discussion. Now the Council has to determine what to do. Tim thinks we could inform the Legislature that the report is still under study and is delayed. It is a benchmark to indicate how we are progressing toward the 2030 goal.</p> <p>Steve Simpson asked for Council member comments first, followed by brief public comment</p> <p>Dave DeWitte asked if feedback from Council has been incorporated into the draft. Tim stated there were some editorial changes, and one</p>

substantive suggestion from Eric at the last meeting, which had to do with energy expertise needed in the Council membership. See bullet points on new energy savings ‘without airside economizer.’ In the table of estimated savings, 3% savings per option equals a total of 6%. Eric reiterated the issue of Council membership needing additional energy expertise.

Duane commented that we need to be cautious in estimating savings, but when real data comes in we may see significantly larger savings than anticipated. He asserts that the draft report underestimates the savings. Tim said it is better to underestimate. When utilities do their forecasting, they are very conservative on what the potential savings would be. The Department of Commerce indicated that 7% may be too high; however it is just an estimate and is intended to show general direction. Diane Glenn commented this is a good report overall, but she has some concern over the numbers. If it is an estimate, it should be reflected as such.

Doug Orth asked for clarification on the language with voting members from Eric. Eric feels that if the Legislature is addressing funding, they should also look at membership of the Council. We need an expert to lead the Energy Code TAG; he and Duane represent their professions – Architect and Engineer. Additional expertise beyond those two professions is needed, i.e., an energy analyst position should be established. Doug agrees with the underlying premise, but it goes to the issue of reforming the Council structure. He does not see that role as a volunteer position on the Council. Perhaps voluntary positions cannot accomplish all of the goals, Eric thinks; it could be additional expertise to chair the TAG. Doug noted the Council has the authority to hire employees and consultants; perhaps that could be energy code staff, as a volunteer may not be adequate. Eric notes we should be indicating that additional staff is needed to support these issues. Doug sees the fundamental need to get the resources needed; another volunteer is not the solution.

Diane Glenn echoes Doug’s remarks; it is not helpful to add more Council members; we need additional funds for another staff member. Rep Buys asked if we have done the small business impact statement. Tim notes that was done; published, and filed with final rule. Tim will send the info to him.

Dave DeWitte agrees with Diane and Doug on the issue of another Council member vs. the need for additional staff expertise. It needs to be clear that more staff is needed to address the energy code. Tim states we should just eliminate the first sentence of the report; Doug would modify the sentence to refer to additional funding for staff; it is not reasonable to have volunteers do that work. Eric’s point was to ensure there is a TAG chair with the expertise, this has also happened with other TAGs. Doug notes that is a bylaws issue rather than RCW related.

Eric notes clarification may be needed in the data disclaimer within the

report. Tim explained we will emphasize these are estimates; we will revisit this, and the numbers may change when we have more information. Al French continues his exception to the estimates, we cannot predict the future. Tim notes we can address that point further in the report. There was no further Council deliberation, and no action was taken.

Leanne Guier read Sen. Angel's letter into the record (see attached). Steve called for brief public comment. Steve introduced the process of how public comment is accepted by the Council. Tim noted the Council strives to take public comment even outside the formal public hearing process.

Jan Rohila of BIAW sent a letter to the Council members regarding 7% achievement for residential. The data was provided by proponents. Add two credits to every house size; that should be 12 percent, so it should have been modified. The final CBA posted on the SBCC website is incorrect; Jan checked the minutes and the Code Reviser's filing. She reiterates 7% is understated. This should be much closer to 12%. Doug Orth asked how much the mini-split contributed to the savings. Jan noted there had to be some increase. Residential and commercial are separate codes; they should not be lumped together. Doug asked where the 6% came from? Chuck Murray and Dave Baylon indicated that was an estimate. Jan noted she accepted the 6%, even without the ductless mini-splits.

Tonya Neal with Masonry Institute, spoke regarding p. 12 of the report. On the third amendment listed (mass walls) she noted the Council should remove the word 'significant'. If changes were already made in 2012, it would not be a significant change. It will only affect a small number of buildings.

Public comment on the phone: None was heard. On WebEx: Chuck Murray commented on p. 5 re: additional credits. It would be preferable to separate commercial from residential and have different levels of savings for each. Create two separate bullets. He notes Jan Rohila is partially right/wrong about totals – cannot take all the percentages and add them up. Need to do a new comparison compared to the 2006 code. This would give a more accurate reading of where we are now. For residential we may have underestimated savings in an earlier cycle, we have seen more savings from some earlier code changes than originally anticipated. Population weighting needs to be looked at further, it has not been done very well this cycle. He suggested we could get support from NW Efficiency Alliance in the future for this analysis.

Dave DeWitte referred to comments from Jan R., and asked whether those calculations make sense. Chuck replied yes, for at least part of the housing sector, if we apply that to the medium size houses when doing the weightings. It is accurate for part of the sample, but not for the whole sample. Dave D. asked more about the weighting process and whether there is a more accurate number. Chuck noted we cannot just add up the

savings year to year. Rather we need to go back and compare to 2006 code then apply the weighting.

Doug O. spoke to the issue of competing interests, i.e., the legislative report vs. comparison to 2006. Chuck notes we should take a stab at what was achieved, but we need to strengthen the caveats around how accurate the numbers are. Doug notes there should be modifications to the preliminary report to indicate higher numbers; Chuck agrees but asserts that a bottom up study needs to be done.

Steven Chappell, a consulting engineer (E-098 – dual circuiting), said there are potential energy savings as based on a theoretical value; dependent on human behavior rather than empirical data. Seattle has this rule in place, now there is evidence on whether or not this works. Is that taken into consideration, i.e., has the empirical data been evaluated? How should it be considered in the future? Duane responded that some buildings can be operated at a higher level of efficiency, but we cannot help it if a building is being poorly operated; the efficiency depends on the building manager. It is a complicated relationship between what the code requires and how well a building is managed. Duane noted that controlled receptacles are part of the national energy code.

Public comment period closed and Steve asked for a motion regarding the Energy Code Report.

Duane moved to strike references to any percentage improvement in this cycle, and to indicate to the Legislature that work is underway to study the expected savings. Doug Orth seconded the motion.

Discussion: Doug asked if it is fair and accurate to state that we are tracking the incremental goals for the current cycle. Duane believes we are tracking, and probably doing all right, but cannot say that with any confidence; Diane asked if we could reflect that we are on track, we should indicate somehow that we are.

Friendly amendment to indicate that we are tracking and that should be included in the report. Doug asked if we have a desire to deal with the mass wall. That is outside the scope of the current motion. Eric offers an amendment to the motion. He wants to break out residential/commercial as suggested by Chuck. Duane stated that is a friendly amendment, noting each credit for residential is 6 % and for commercial it's 4%. The comparison of savings should be to the 2006 code.

Steve Simpson reviewed the motion as amended. Dave D. asked if the chart itself would need to be removed from the report; if we are not showing percentages it is not useful. Eric asked if we could include the chart for historical purposes; he states we need to go through the report and identify all percentages.

Al French indicated he cannot support the motion as there have been too many changes. Steve asked for a vote on the motion.

Roll call vote:

Kokot – Nay
Guier - Aye

DeWitte – Aye
Glenn - Aye

	<p>Jonlin- Aye Peden Aye Vander Mey –Aye Bault-Aye</p> <p>Orth - Aye Tinner - Nay French -Nay</p> <p>8 Aye; 3 Nay; Motion carried Tim will meet with Senator Angel; Chair Simpson may respond to her as well. Dave D. suggested there was some misunderstanding in the letter she wrote.</p>
<p>4. Adoption of the IPC-HB 2508/ SB 6226</p>	<p><u>IPC Discussion</u> - Tim noted this bill was discussed at the Legislative Committee – adoption of the IPC – as an alternate. There would be plumber certification changes at L&I, with no changes in 2015 code. In 2018 there would be a review of the code and changes adopted. Should the Council take a position on the bill? There is a hearing, and there was one last week. The various constituency groups represented on the Council did testify and we will continue to track the bill. Steve notes we need to talk about this – what are the options for the Council? In the past the Legislative Committee has monitored bills, and at times has supported legislative matters. Doug Orth noted there could be potential public health risks due to the Council not being able to make any changes to the rules. Concerned we could not do any emergency rules if needed. Rep Buys asserted it is inappropriate for the Council to take a stand on any pending legislation. The Legislature gets to determine what the Council should do. It is inappropriate for the Council to have any opinion or share such an opinion. Since we have limited resources, we should not spend those resources to review legislation. Jim T. noted the IPC is adopted in 35 states, and on federal properties, it is well vetted and tested; he opined that SBCC should not take any stand on the proposed Legislation. Tim noted this is regarding RCW 42.17A.635/Legislative Activities of State Agencies re: public disclosure law – specific to the agency regarding lobbying and taking a position on an initiative. We are not restricted from taking a position on a legislative matter. Dave D. asked about the precedent for taking a position. Under the statute there is policy on how we may make comments to the Legislature. We work through our legislative members. It is up to the Council to determine whether or not to take a position on proposed legislation. We are expected to do an analysis, and potentially support or oppose legislation, or remain neutral. We are obligated to do the analysis and fiscal impact; there would be an impact in 2017, we need to make note of that. It is up to the Council to decide if SBCC should not take any stand on the proposed Legislation Dave D. asked Rep. Buys if he understands there is an expectation to have</p>

the Council weigh in on issues that impact the Council? Rep Buys does not believe the Council should take any position; it is fine to offer information on potential impact, then the Legislature takes that into account.

Doug O. asked whether there any other code that falls under the purview of the SBCC that we are prohibited from reviewing. Would this be the only code that we would be prohibited from having any input on? Steve noted these issues were brought up at the committee, and that is why they brought it to the Council. This would be a plumbing code that would not be able to be amended, this would affect L&I rules, and others as discussed. That is why it was brought it up. Al French stated we are here for our expertise, we move to a political body from a technical body; we are a technical body. It is up the Legislature to decide what needs to be done.

Dave D. notes the prohibition on amending the IPC is only re: the 2015 version, correct? Tim notes that is how he is interpreting it. Does that change Doug Orth's view? No, it is not good public policy; it is fine to use IPC, but the way this is proposed, it would handcuff the Council in doing their job.

Dave K. appreciates Rep Buy's comments, but we want to provide the Legislators with feedback and caution on the issues. EG, in 2009 the CO alarm issue was problematic due to the way the legislation was written. This issue takes the authority away from locals, adds workload issues to the local authority. It makes no sense to adopt an additional code, it should only be in lieu of the other code. Diane G. notes we are not a lobbying group; this issue may take us away from our real role. We can review and monitor proposed legislation and give an opinion, but if we oppose or agree with a bill we become a lobbying group.

Rep Buys notes an emphasis on this bill due to code amendments being rejected due to the fact that they were not specified in legislation. We rejected those proposals, that is why the legislature wants to include them. They want to keep the fiscal note impact down, and we can review the codes the legislature tells us to review. When we moved to the 'I codes', he believes they were adopted verbatim for the first cycle, then in the next cycle they were amended. Tim replied that the 2003 version was the first adopted, SBCC went into rulemaking and reviewed it, there were some amendments put in place.

Steve asked for public comments

Dave Spencer – agrees with Jim Tinner and Rep. Buys. He has done some research – 297 in state have some kind of certification from UPC and around 100 have certification in UPC.

Jim Tinner noted that WABO would like to see Section 3 not adopted.

Dave DeWitte moved that the Council not take a position on this or any other legislation going forward and that the column in the tracking log titled 'position' be eliminated.

Kokot

Nay

Bault

Not present

	<p>DeWitte Aye French Aye Glenn Aye Guier Nay Orth Nay Peden Aye Tinner Aye Vander Mey Aye Jonlin Not present</p> <p>6 Aye; 3 Nay, Motion passed.</p> <p>Discussion: If this motion is adopted, we can no longer provide a position, but can provide information and views. AG noted if the Council is not going to take a position, there is no authority for the Council to take any position.</p> <p>Dave DeWitte asked for reconsideration of the motion. Seconded by Al French. Jim moved to repeat the original motion, but added that the committee should be allowed to provide technical but non-political information to the Legislature.</p> <p>Doug Orth notes it would mean nothing. Dave K. notes we were formed to provide feedback to the Legislature. This will hamstring us in taking any position; we would be silenced unless we were requested by the Legislature. We need to participate with the Legislature. Al French notes this implies it is all political, let them deal with it. We are supposed to provide them the technical aspects. If it is all political, why do we even exist? Diane echoes this exactly; we are not saying we cannot provide technical info. We cannot provide political position; Doug Orth feels we are being attacked politically; the tug of war over the UPC/IPC is very much political. We are here to establish good code. We have interest groups on every side, with their own positions. Whatever opinion we give, these groups would want to argue politically. Rod Bault- either it is lobbying or educating. We identify ourselves as educators, but this particular issue re: IPC carries potential to be a political issue.</p> <p>Kokot Nay Bault Nay DeWitte Nay French Aye Glenn Aye Guier Nay Orth Nay Peden Nay Tinner Aye Vander Mey Nay</p>
<p>6. Role of the SBCC Legislative Committee</p>	<p>Leanne Guier asked how the Legislative committee should proceed at this time. Motion to move this issue to the next SBCC meeting to discuss our relationship with the Legislature. Motion carried.</p> <p>Tim reported on the bills that have been introduced to create the Task Force; there is support, and it would come with some funding through a temporary increase in permit fees. It would fill the gap in the funding that we expect to see later this year. HB 2841 is assigned to the Local Government Committee. We do have legislative committee meetings scheduled to date; however we will continue to meet and monitor. Steve</p>

	Simpson moved that the Legislative Committee will monitor and then report back to the Council. Motion carried.
7.. Adjourn	The meeting was adjourned at 1:10 p.m.

DRAFT